REMARKS

Upon entry of the foregoing Amendment, claims 1, 3, 5, 6, 10, 11, 14, 16, 18, 20, 22, 24, 26, 34, 36, 38, and 42 are pending in the application. Claim 1 has been amended. Claims 2, 4, 7-9, 12-13, 17, 19, 21, 23, 25, 27-33, 35, 37, 39-41, and 43-57 have been canceled without prejudice or disclaimer. This Amendment does not add new matter. In view of the foregoing Amendment and following Remarks, allowance of all the pending claims is requested.

Examiner Interview

Applicant thanks Examiner Ghali for granting Applicant's representative the courtesies of an Examiner Interview on November 15, 2007 ("Examiner interview"). During the Examiner interview, Applicant's representative discussed claim 1 in light of the rejections as set forth below in further detail.

Rejection Under 35 U.S.C. § 112

The Examiner has rejected claims 16 and 18 under 35 U.S.C. § 112 as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner alleges the expressions "ABS," "light polarizing film," and "linear low density film" do not set out the metes and bounds of the claims and the specification fails to define these expressions. See Office Action at page 4. Applicant traverses this rejection for at least the reason that these expressions are each well known in the art for being materials that may be used for enclosures as recited in claim 1, for example. Furthermore, "ABS," "light polarizing film," and "linear low density film" are disclosed in the Specification as-filed describing construction of the at least one enclosure. See, e.g., Specification at page 25, paragraph 079. Therefore, one skilled in the art would know these expressions refer to known materials that may be used to construct an enclosure of the present invention. Only when a claim term remains ambiguous and not discernible after reasonable attempts at construction should a claim be deemed indefinite. See *Metabolite Labs., Inc. v. Lab. Corp. of Am. Holdings*, 370 F.3d 1354, 1366, 71 USPQ2d

1081, 1089 (Fed. Cir. 2004). The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986). Accordingly, the rejection is improper and must be withdrawn.

Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1, 3, 5, 6, 10, 11, 14, 16, 18, 20, 22, 24, and 42 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,475,514 to Blitzer et al. ("'514 patent"). Applicant traverses this rejection because the reference relied upon by the Examiner does not disclose each and every feature of the claimed invention. Nonetheless, solely to expedite prosecution of this application, and in response to the Examiner interview, Applicant has amended claim 1 to recite "wherein said at least one enclosure prevents said at least one organic material from direct contact with said subject's body." Because the '514 patent apparently describes a trans-dermal pouch that releases its contents into, and therefore makes direct contact with, the subject body, the '514 patent does not disclose the features of amended claim 1. For at least these reasons the rejection of claim 1 is improper and must be withdrawn. Claims 3, 5, 6, 10, 11, 14, 16, 18, 20, 22, 24, and 42 depend from, either directly or indirectly, and add features to claim 1. As such, the rejection of these claims is improper and must be withdrawn for at least the reasons set forth above with regard to claim 1.

Rejection Under 35 U.S.C. § 103

The Examiner has rejected claim 26 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the '514 patent in view of U.S. Patent No. 5,651,973 to Moo-Young et al. ("'973 patent"). The Examiner has rejected claim 34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the '514 patent in view of U.S. Patent No. 6,558,695 to Luo et al. ("'695 patent"). Applicant notes the Examiner uses "US '975" in the

rejection of claim 34 and assumes this refers to the "'695" patent. Applicant requests clarification and verification. Applicant traverses the rejections because the references relied upon by the Examiner, either alone or in combination with one another, do not teach or suggest all the features of the claimed invention. Because both the '973 patent (see '973 patent Abstract) and the '695 patent (see '695 patent Abstract) apparently describe trans-dermal delivery systems, these patents do not cure the defects of the '514 patent with regard to claim 1. Claims 26 and 34 depend from and add features to claim 1. As such, the '514 patent and the '973 patent, either alone or in combination with one another, do not teach or suggest all the features of claim 26. Similarly, the '514 patent and the '695 patent, either alone or in combination with one another, do not teach or suggest all the features of claim 34. Accordingly, the rejection of claims 26 and 34 is improper and must be withdrawn.

Applicant notes that each dependent claim recites patentable features for at least the reasons set forth above with regard to claim 1. Furthermore, each dependent claim may recite additional patentable features.

CONCLUSION

Having addressed each of the foregoing rejections, it is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: **November 21, 2007**

Respectfully submitted,

By: _____

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